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| APPLICATION NO.                                        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/183,343                                             | 10/30/1998  | PEKKA ISOMURSU       | 442-007078-U        | 3022             |
| 2512                                                   | 7590        | 12/02/2005           | EXAMINER            |                  |
| PERMAN & GREEN<br>425 POST ROAD<br>FAIRFIELD, CT 06824 |             |                      | GELIN, JEAN ALLAND  |                  |
|                                                        |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                        |             |                      | 2688                |                  |

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/183,343

Applicant(s)

ISOMURSU ET AL.

Examiner

Jean A. Gelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-26 and 31-37 is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/12/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is in response the Applicant's arguments filed on September 12, 2005 in which claims 8-37 are currently pending..

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turcotte (US 5,930,239) in view of Gaskill (US 5,929,771).

Regarding to claim 27, Turcotte teaches a mobile station having means for wireless communicating wherein the mobile station comprises means for storing a information including a subject and time of the event (i.e., the mobile automatically stores the text message about an appointment upon receiving it, col. 7, lines 45-57); means for transmitting said information via the network (i.e., transmitting messages from one mobile unit to another mobile unit via the service center or network, col. 3, lines 20-33, lines 65-67, col. 10, lines 40-49); means for sending a text message in a user message (SMS) to a receiving device including a destination address of the receiving device subject and time of an event (i.e., the SMS typically including mobile identifier for the message to reach its target, col. 4, lines 18-67).

Turcotte teaches transmission of data from one communication device to another communication device via a network. Turcotte does not specifically teach transmitting a reservation calendar from one user to a second user.

However, transmitting a reservation calendar from one user to a second user is very well known in the art of communications, as evidenced by Gaskill. Gaskill teaches two portable communication devices, two personnel computers or one portable communication device and a personnel computer interchange business card information which is equivalent to reservation calendar data (col. 9, line 47 to col. 11, line 35); and user of one communication device can send and receive scheduling information to and from another communication device (col. 6, line 42 to col. 7, line 11). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Gaskill within the system of Turcotte in order to have a communication device that can send and receive scheduling information either directly or via the network, and increase the performance of the communication device.

Regarding to claim 28, Turcotte in view of Gaskill teaches all the limitations above. Turcotte further teaches wherein said user message is one of a short message, a message according to the standardized SMS message, a message according to the standardized R data field message, a message according to the standardized USSD message, a message according to the standardized SOC message, and a message according to a wireless packet radio service (col. 4, lines 4-66).

Regarding to claim 29, Turcotte in view of Gaskill teaches all the limitations above. Turcotte further teaches wherein said user message comprises ASCII

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characters since the ASCII is the most popular coding system used in small communications device to convert letters and numbers into digital form.

Regarding to claim 30, Turcotte in view of Gaskill teaches all the limitations above. Turcotte further teaches the short message includes an identifier identifying said user message (col. 5, lines 1-55).

#### ***Allowable Subject Matter***

4. Claims 8-26 and 31-37 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: claims 8-26 and 31-37 are allowed for the reasons set forth in the Applicant's remarks filed 9/12/05 in pages 10-12 and 17.

#### ***Response to Arguments***

6. Applicant's arguments filed 9/12/05 have been fully considered but they are not persuasive.

The Applicant argues that the prior arts fail to teach storing the subject of the event of the received calendar reservation at the time of the event. However, the preceding limitation is recited in claims 27-30. Therefore, the argument is moot, and the claims are rejected as recited above.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make

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the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). however, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969). In this case, the motivation of combining Turcotte and Gaskill is to permit users of the system to interchange business card, which is considered as the reservation calendar data, so that users can send and receive scheduling information to/from other users directly or via the network.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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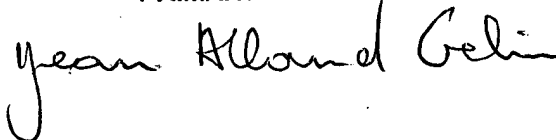
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin  
November 28, 2005

**JEAN GELIN**  
**PRIMARY EXAMINER**

A handwritten signature in black ink that reads "Jean Allard Gelin". The signature is written in a cursive, flowing style.